

Presbyterian Church
in the U.S.A.

Book of Discipline

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The Book of Discipline, in a
revised form, as proposed

THE
BOOK OF DISCIPLINE,

IN A
REVISED FORM,

AS PROPOSED BY

THE ASSEMBLY'S REVISION COMMITTEE.

*For the use of the Church of the U. M.
Episcopal Association*

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THE BOOK OF DISCIPLINE.

CHAPTER I.

OF DISCIPLINE.—ITS NATURE, ENDS, AND SUBJECTS.

1. DISCIPLINE is the exercise of that authority, and the application of that system of laws, which the Lord Jesus Christ has appointed in his Church. The term has two senses—the one referring to the whole instruction, training, inspection, guardianship, government, and control, exercised by the Church over its members, officers, and judicatories; the other, a restricted sense, indicative of judicial proceedings for the investigation and correction of alleged offences.

2. The ends of discipline are the maintenance of the truth, the vindication of the authority and honor of Christ, the promotion of the purity of the Church, and its edification, in the rebuke of offences, the removal of scandal, and the spiritual good of offenders.

3. An offence is anything, in the principles or practice of a church-member, which is contrary to the word of God; or which, if it be not in its own nature sinful, may tempt others to sin, or mar their spiritual edification.

4. No alleged offence, however, ought to be considered by any judicatory as a proper object of judicial process, which cannot be shown to be contrary to the Holy Scriptures, or to the regulations and practice of the Church founded on the Scriptures.

5. All children, born within the pale of the visible Church, are members of the Church, are to be baptized, are under the care of the Church, and subject to its government and discipline: and, when they have arrived at the years of discretion, they are bound to perform all the duties of church-members.

CHAPTER II.

OF THE PARTIES IN CASES OF PROCESS.

6. Process against an alleged offender shall not be commenced unless some person undertakes to sustain the charge; or unless the judicatory finds it necessary for the ends of discipline to investigate the alleged offence.

7. A prosecutor, in the case of personal offences, must, before seeking a judi-

cial investigation, have taken the previous steps required by the Lord Jesus Christ, Matthew xviii. 15, 16: "If thy brother shall trespass against thee, go and tell him his fault between thee and him alone; if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established;" or render himself liable to censure.

8. In cases of prosecution initiated by the judicatory, the previous steps required by our Lord in the case of personal offences, are not necessary; yet in many cases it is advisable to confer privately with the accused, to obviate, if practicable, the necessity of actual process.

9. In all cases of prosecution initiated by the judicatory, THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA shall be considered as the prosecutor, and regarded as an original party; in all other cases, the individual prosecutor shall be an original party.

10. In all cases of prosecution initiated by the judicatory they shall appoint one or more of their own members as a Committee of Prosecution, who shall have charge of the case, in all its stages, from judicatory to judicatory, until the final issue be reached.

11. An individual, who considers himself slandered, may request an investigation, which it may be the duty of the proper judicatory to institute. If the request be granted, one or more members of the judicatory should be appointed to investigate the facts alleged, and make a written report. A record, in accordance with this report, may terminate the whole proceeding.

12. Great caution ought to be exercised in receiving accusations from any person who is known to indulge a malignant spirit towards the accused, or who is not of good character, or who is himself under censure or process, or who is personally interested in any respect in the conviction of the accused, or who is known to be litigious, rash, or highly imprudent.

13. Any prosecutor, not appointed by the judicatory, shall be previously warned that, if he fail to show probable cause for the charges, he must himself be censured, as a slanderer of the brethren, in proportion to the malignancy or rashness that shall appear in the prosecution.

CHAPTER III.

OF CHARGES AND SPECIFICATIONS.

14. The charge shall always set forth the alleged offence; and the specifications shall set forth the facts relied upon as sustaining the charge; each specification declaring, as far as possible, the time, place, and circumstances; to be accompanied with the names of the witnesses to be cited for its support.

15. A charge shall not allege more than one offence; several charges against the same person, however, with the specifications under each of them, may be presented to the judicatory at one and the same time; and may, at the discretion of the judicatory, be tried together. But when several charges are tried at the same time, a judgment on each charge must be separately rendered.

16. In all cases of alleged personal injury, where the party prosecuting is the injured person or persons, the charge must be accompanied with an averment, that the course prescribed by our Lord, Matt. xviii. 15, 16, has been followed, and with the names of witnesses to support it.

CHAPTER IV.

OF PROCESS.—GENERAL RULES PERTAINING TO ALL CASES.

17. Original jurisdiction, in relation to Ministers and Elders, pertains to the Presbytery; and, in relation to others, to the Session. But the higher judicatories may institute process, in cases in which the lower have been directed so to do, and have refused or neglected to obey.

18. When a judicatory enters on the consideration of an alleged offence, the charge and specifications, which shall be in writing, shall be read; and nothing more shall be done at that meeting, unless by consent of parties, than to furnish the accused with a copy of the charge and specifications, together with the names of all the witnesses, then known, to support each specification; and to cite all concerned to appear at a subsequent meeting of the judicatory, which shall not be sooner than ten days after the service of the citations. The citations shall be signed, in the name of the judicatory, by the Moderator, or Clerk; who shall, also, furnish citations for such witnesses as either party shall nominate to appear on his behalf.

19. Citations are to be served either personally, or, in case the persons cited cannot be found, by leaving a copy of the citation at their last known place of residence; and due care must be taken by judicatories, before proceeding to trial, to ascertain that the citations have been duly served.

20. At the meeting at which the citations are returnable, the accused shall answer in writing. If unable to be present in person, he may appear by counsel. If he confess, or if he admit the specifications, but deny that they constitute an offence, the judicatory, after hearing the parties, may proceed to judgment. But, if he deny the specifications, the trial shall proceed.

21. If an accused person refuses to obey a citation, a second citation shall issue, accompanied with a notice that, if he do not appear at the time appointed, unless he be providentially hindered, he will be censured for his contumacy. If he should not appear, the judicatory may appoint some person to represent him, and proceed to trial and judgment in his absence. The time allotted for his appearance, on any citation subsequent to the first, is left to the discretion of the judicatory; but shall not be less than is sufficient for convenient compliance. The same rule, as to the time allotted for appearance, shall apply to all witnesses cited at the request of either party.

22. The witnesses shall be examined, and, if desired, cross-examined, at a meeting of which the accused has been duly notified; after which, new witnesses, for the purpose of rebutting only, may be introduced by either party. New testimony, however, discovered during the progress of the trial, may be admitted, in behalf of either party, under such regulations, as to notice of the names of witnesses and the nature of the proof, as the judicatory shall deem reasonable and proper; and then the parties themselves shall be heard.

23. The charge and specifications, the answer, if there be one, and the judgment, shall be entered on the records of the judicatory. The minutes shall also exhibit all the acts and orders of the judicatory relating to the case, with the reasons therefor, and all the testimony taken and produced before it, together with the notice of appeal, and the reasons thereof, if any shall have been filed; all which shall constitute the record of the case; and, in case of a removal thereof by appeal or complaint, the lower judicatory shall transmit the record to the higher. Nothing which is not contained in the record shall be taken into consideration in the higher judicatory.

24. Exceptions may be taken, by either of the original parties in a trial, to any part of the proceedings of the judicatory, except in that of last resort, and shall be entered on the records.

25. When one or more members of a judicatory dissent from the final judgment in a particular case, the dissent, with or without reasons, if couched in respectful language, shall, if desired, be entered on the records; but none shall join in the dissent except those who voted in the decision.

26. No counsel not in full communion with the Church shall be admitted in cases of process in any judicatory. Neither the counsel nor the prosecutor shall be allowed to sit in judgment or vote, in the trial of the case.

27. Questions as to order or evidence, arising in the course of process, shall, after the parties have had an opportunity to be heard, be decided by the Moderator, subject to appeal; and the question on the appeal shall be determined without debate; all such decisions, if desired by either party, shall be put on record.

28. No member of a judicatory shall be allowed to vote in the final judgment on a particular case, who has not been present during the whole of the trial. If, however, a member has been necessarily absent during the taking of the final vote, his vote may be recorded before the close of the same sitting of the judicatory.

29. The parties shall be allowed copies of the record at their own expense; and, on the final disposition of a case in a higher judicatory, the record of the judgment shall be transmitted to the judicatory in which the case originated.

30. In the infliction and removal of church censures, judicatories shall observe the modes prescribed in Chapter X. of the Directory for Worship.

31. In all cases of judicial process, the judicatory may, at the opening of the case, determine, by a vote of two-thirds, to sit with closed doors.

CHAPTER V.

SPECIAL RULES PERTAINING TO CASES BEFORE SESSIONS.

32. As cases may arise, in which, after a charge has been filed, it is impracticable to commence process immediately, the Session may, in such cases, if they judge that the edification of the Church demands it, require the accused to refrain from approaching the Lord's Table during such time as may be needed for the proper investigation of the charge.

33. When an accused person has been twice duly cited, and contumaciously

refuses to appear, by himself or counsel, before the Session, or, appearing, refuses in like manner to answer the charge brought against him, he shall be suspended from the communion of the Church, and shall so remain until he repents of his contumacy, and submits himself to the orders of the judicatory.

34. The censures to be inflicted by the Session are Admonition, Rebuke, Suspension from the communion of the Church, and, in the case of gross offenders, who will not be reclaimed by milder measures, Excommunication.

35. The sentence shall be published, if at all, only in the Church, or Churches, which have been offended.

CHAPTER VI.

GENERAL RULES PERTAINING TO THE TRIAL OF A MINISTER.

36. As the honor and success of the gospel depend, in a great measure, on the character of its Ministers, each Presbytery ought, with the greatest care and impartiality, to watch over the personal and professional conduct of all its members. But as, on the one hand, no Minister ought, on account of his office, to be screened from the hand of justice, or his offences to be slightly censured, so neither ought charges to be received against him on slight grounds.

37. If a Minister be accused of an offence, at such a distance from his usual place of residence, as that it is not likely to become otherwise known to his Presbytery, it shall be the duty of the Presbytery within whose bounds the offence is alleged to have been committed, if they shall be satisfied that there is probable ground for the accusation, to notify his Presbytery thereof, and of the nature of the offence; and his Presbytery, on receiving such notice, shall, if they think that the honor of religion requires it, proceed to the trial of the case.

38. If a Minister, accused of an offence, contumaciously refuse to appear, by himself or counsel, after being twice duly cited, he shall be admonished, or suspended from his office, at the discretion of the Presbytery; and if, after another citation, he contumaciously refuse to appear, by himself or counsel, he shall be suspended from the communion of the Church.

39. If the accused be found guilty, he shall be admonished, rebuked, suspended, or deposed from office (with or without suspension from church privileges, in either case), or excommunicated.

40. Heresy and schism may be of such a nature as to infer deposition; but errors ought to be carefully considered, whether they strike at the vitals of religion and are industriously spread, or whether they arise from the weakness of the human understanding, and are not likely to do much injury.

41. If the Presbytery find, on trial, that the matter complained of amounts to no more than such acts of infirmity as may be amended and the people satisfied, so that little or nothing remains to hinder the usefulness of the offender, they shall take all prudent measures to remove the evil.

42. A Minister, deposed for immoral conduct, shall not be restored, even on the deepest sorrow for his sin, until after some considerable time of eminent and exemplary, humble and edifying conduct; and he ought in no case to be restored until it shall clearly appear that the religious public desire his restoration; and then only by the judicatory inflicting the censure, or with its advice and consent.

43. If a Minister be deposed without excommunication, his Church, if he be a Pastor, shall be declared vacant; and the Presbytery shall give him a letter to any Church where his lot may be cast. If a Pastor be suspended only, the Presbytery may, with the consent of the people of his charge, declare his pulpit vacant.

CHAPTER VII.

GENERAL RULES PERTAINING TO THE TRIAL OF AN ELDER.

44. If an Elder be accused of an offence which infers censure, the proper judicatory, to investigate and issue the case, is the Presbytery, to which the Church of which he is a member belongs.

45. If the Presbytery judge that the edification of the Church demands it, they may require the accused to refrain from the exercise of his office, and from approaching the Lord's Table, until the Presbytery have passed upon his case.

46. In process against an Elder, the Rules of Chap. VII., so far as applicable, shall be observed.

CHAPTER VIII.

OF CASES WITHOUT PROCESS.

47. In cases in which a person commits an obvious offence in the presence of the judicatory, or comes forward as his own accuser and makes known his offence, it is competent for the judicatory to proceed to judgment without process, the offender always having the privilege of being heard; and, in the first case named, he may demand a delay of at least two days before judgment. The record of the transaction must show the nature of the offence, as well as the judgment, and the reasons thereof.

48. If a communicant not chargeable with immoral conduct, inform the Session, that he is fully persuaded that he has no right to come to the Lord's Table, the Session shall confer with him on the subject, and may, should he continue of the same mind, and his attendance on the other means of grace be regular, excuse him from attendance on the Lord's Supper; and, after fully satisfying themselves that his judgment is not the result of mistaken views, shall erase his name from the roll of communicants, and make record of their action in the case.

49. If a communicant, not chargeable with immoral conduct, remove out of the bounds of his Church, without asking for or receiving a regular certificate of dismission to another Church, and his residence be known, the Session may, within two years, advise him to apply for such certificate; and, if he decline or neglect so to do, without alleging sufficient reasons, his name may be placed on the roll of suspended members, until he shall satisfy the Session of the propriety of his restoration. But, if the Session have no knowledge of him for the space of three years, they may erase his name from the roll of communicants, making record of their action and the reasons therefor. In either case, the

member shall continue subject to the jurisdiction of the Session. A separate roll of all such names shall be kept, stating the relation of each to the Church.

50. If a communicant renounce the communion of this Church by joining another denomination, without a regular dismissal, although such conduct is disorderly, the Session shall take no other action in the case than to record the fact, and order his name to be erased from the roll. If, on the other hand, charges are pending against him, these charges may be prosecuted. If the denomination be heretical, he may be suspended, deposed, or excommunicated without trial.

51. If a Minister, not otherwise chargeable with an offence, renounce the jurisdiction of this Church, by abandoning the ministry, or becoming independent, or joining another denomination without a regular dismissal, the Presbytery shall take no other action in the case, than to record the fact, and to erase his name from the roll. If, on the other hand, charges are pending against him, these charges may be prosecuted.

52. If a Minister, otherwise in good standing, shall make application to be released from the office of the ministry, he may, at the discretion of the Presbytery, be put on probation, for one year at least, in such a manner as the Presbytery may direct, in order to ascertain his motives and reasons for such a relinquishment. And if, at the end of this period, the Presbytery be satisfied, that he cannot be useful and happy in the exercise of his ministry, they may allow him to demit the office, and return to the condition of a private member, in the Church, ordering his name to be stricken from the roll of the Presbytery.

CHAPTER IX.

OF EVIDENCE.

53. Judicatories ought to be very careful and impartial in receiving testimony. Not every person is competent, and not every competent person is credible, as a witness.

54. All persons, whether parties or otherwise, are competent witnesses, except such as do not believe in the existence of God, or a future state of rewards and punishments, or have not sufficient intelligence to understand the obligation of an oath. Any witness may be challenged for incompetency, and the judicatory shall decide the question.

55. The credibility of a witness, or the degree of credit due to his testimony, may be affected by relationship to any of the parties; by interest in the result of the trial; by want of proper age; by weakness of understanding; by infamy or malignity of character; by being under church censure; by general rashness, or indiscretion; and by any circumstances that appear to the judicatory to affect his veracity, his knowledge, or his interest in the case.

56. A husband or wife shall be competent, but shall not be required to bear testimony for or against the other.

57. Evidence may be either oral or documentary. In the case of oral evidence, the testimony of more than one witness, unless supported by document-

any evidence, is necessary in order to establish a charge; yet, where there are more specifications than one under the same general charge, the proof of two or more of the specifications, each by a different and credible witness, especially when supported by corroborative facts or circumstances, shall be sufficient to establish the charge.

58. No witness, afterward to be examined, except a member of the judicatory, shall be present during the examination of another witness in the same case, unless by consent of parties.

59. To prevent confusion, witnesses shall be examined first by the party introducing them; then cross-examined by the opposite party; after which any member of the judicatory, or either party, may put additional interrogatories. Irrelevant or frivolous questions shall not be admitted, nor leading questions in the examination in chief.

60. The oath or affirmation shall be administered by the Moderator in the following, or like, terms: "You solemnly swear [or promise], in the presence of the omniscient and heart-searching God, that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge, in the matter in which you are called to witness, as you shall answer to the Great Judge of quick and dead."

61. Every question put to a witness shall, if required, be reduced to writing. When answered, it shall, if deemed by either party of sufficient importance, together with the answer, be recorded. The testimony, thus recorded, shall be read to the witnesses, in the presence of the judicatory, for their approbation and subscription.

62. The records of a judicatory, or any part of them, whether original or transcribed, if regularly authenticated by the Moderator or Clerk, shall be deemed good and sufficient evidence in every other judicatory.

63. In like manner, testimony taken by one judicatory, and regularly authenticated, shall be received as valid by every other judicatory.

64. All the evidence, introduced in any judicatory, shall be received under, and according to the general rules of evidence, except as defined and limited by the provisions of this Chapter.

65. Any judicatory, before which a case may be pending, shall have power, whenever the necessity of parties or of witnesses shall require it, to appoint, on the application of either party, a Commission of Ministers, or Elders, or both, to examine witnesses; which Commission, if the case require it, may be of persons within the jurisdiction of another body. The Commissioners so appointed shall take such testimony as may be offered by either party. The testimony is to be taken in accordance with the rules governing the judicatory, due notice having been given of the time when, and place where, the witnesses are to be examined. All questions as to the relevancy or competency of the testimony so taken shall be determined by the judicatory. The testimony, properly authenticated by the signatures of the Commissioners, is to be transmitted, in due time, to the Clerk of the judicatory before which the case is pending.

66. A member of the judicatory may be called upon to bear testimony in a case which comes before it. He shall be qualified as other witnesses are, and, after having given his testimony, may immediately resume his seat as a member of the judicatory.

67. A member of the Church, summoned as a witness, and refusing to appear,

or, having appeared, refusing to give testimony, may be censured for contumacy, according to the circumstances of the case.

68. If, after a trial before any judicatory, new testimony be discovered, supposed to be highly important to the exculpation of the accused, it is proper for him, if the case has not been appealed, to ask, and for the judicatory to grant, a new trial.

69. If, in the prosecution of an appeal, new testimony is offered which, in the judgment of the appellate judicatory, has an important bearing on the case, they may refer the whole case to the inferior judicatory for a new trial; or, with the consent of parties, take the testimony themselves and issue the case.

CHAPTER X.

OF THE WAYS IN WHICH A CAUSE MAY BE CARRIED FROM A LOWER TO A HIGHER JUDICATORY.

70. All proceedings of the Session, the Presbytery, and the Synod, are subject to review, and may be taken, to a superior judicatory, by General Review and Control, Reference, Complaint, or Appeal.

OF GENERAL REVIEW AND CONTROL.

71. It is the duty of every judicatory above a Session to review, at least once a year, the records of the proceedings of the judicatory next below; and, if the lower judicatory shall omit to send up its records for this purpose, the higher may require them to be produced, either immediately, or at a particular time, as circumstances may determine.

72. In reviewing the records of an inferior judicatory, it is proper to examine, first, whether the proceedings have been constitutional and regular; secondly, whether they have been wise, equitable, and for the edification of the Church; and, thirdly, whether they have been correctly recorded.

73. Members of the judicatory, whose records are under review, shall not be allowed to vote in the case.

74. In most cases the superior judicatory may be considered as fulfilling its duty, by simply placing on its own records, and on those under review, the animadversion or censure which it may think proper to pass. But there may be cases of irregular proceedings, so disreputable and injurious that the inferior judicatory should be required to review and correct, or reverse, such proceedings, and report, within a specified time, its compliance with the injunction of the superior judicatory.

75. No judicial decision, however, of a judicatory shall be reversed, unless it be regularly brought up by appeal.

76. If a judicatory be, at any time, well advised of any grossly unconstitutional proceedings of the lower judicatory, the latter shall be cited to appear, at a specified time and place, to produce the records, and to show what it has done in the case in question; after which, if the charge be sustained, the whole matter shall

be concluded by the judicatory itself; or be remitted to the lower judicatory with directions to dispose of it as instructed by the judicatory remitting.

77. Judicatories may sometimes neglect to perform their duty, by which neglect, heretical opinions or corrupt practices may be allowed to gain ground; or offenders of a gross character may be suffered to escape; or some part of their proceedings may have been omitted from the record, or not properly recorded. If, therefore, at any time, the superior judicatory be well advised of such neglects, omissions, or irregularities on the part of the inferior judicatory, it may require the records of the inferior judicatory to be produced, and may proceed to examine, deliberate, and judge in the whole matter, as completely as if due record had been made; or may cite the lower judicatory, and proceed as in the preceding article.

OF REFERENCES.

78. A Reference is a representation in writing made by an inferior to a superior judicatory, of a judicial case not yet decided. Generally, however, it is more conducive to the public good, that each judicatory should fulfil its duty by exercising its own judgment.

79. Cases which are new, important, difficult, or of peculiar delicacy, the decision of which may establish principles or precedents of extensive influence, on which the inferior judicatory are greatly divided, or on which for any reason it is desirable that a superior judicatory should first decide, are proper subjects of Reference.

80. References are, either for mere advice preparatory to a decision by the inferior judicatory, or for ultimate trial and decision by the superior; and are to be carried to the next higher judicatory.

81. In the former case, the Reference only suspends the decision of the inferior judicatory; in the latter, it submits the whole case to the final judgment of the superior.

82. In cases of Reference, members of the inferior judicatory may sit, deliberate, and vote.

83. A judicatory is not necessarily bound to give a final judgment in a case of Reference, but may remit the whole case, either with or without advice, to the inferior judicatory.

84. The whole record of proceedings shall be seasonably transmitted to the superior judicatory, and, if the Reference be accepted, the parties shall be heard.

OF COMPLAINTS.

85. A Complaint is a written representation, made to the next superior judicatory, by one or more persons within the jurisdiction of the judicatory complained of, respecting any delinquency or decision, not judicial, by an inferior judicatory.

86. Written notice of Complaint, with the reasons therefor, shall always be given, to the Moderator or Clerk of the judicatory complained of, within ten days after the action was taken.

87. If it shall appear to the higher judicatory, that the Complaint is in order, and that the reasons therefor are sufficient, the first step shall be, to read the

action complained of, and so much of the record of the lower judicatory as may be deemed sufficient; then the parties shall be heard; and, after that, the judicatory shall proceed to consider and determine the case, as provided for in cases of original process.

88. The effect of a Complaint, if sustained, may be, the reversal, in whole or in part, of the action of the lower judicatory; and may also be the infliction of censure upon the judicatory complained of.

89. The parties to a Complaint shall be known, respectively, as Complainant and Respondent—the latter being the judicatory complained of, which should always be represented by one or more of their number appointed for that purpose.

90. Neither the Complainant nor the members of the judicatory complained of shall sit, deliberate, or vote in the case.

91. Either of the parties to a Complaint may appeal to the next superior judicatory.

OF APPEALS.

92. An Appeal may be taken, by either of the original parties in a trial, from the final judgment of an inferior judicatory; and these parties shall be regarded as the Appellant and the Appellee.

93. The grounds of appeal may be such as these : irregularity in the proceedings of the inferior judicatory ; refusal of reasonable indulgence to a party on trial; receiving improper, or declining to receive important, testimony; hastening to a decision before the testimony is fully taken ; manifestation of prejudice in the conduct of the case ; and mistake or injustice in the decision.

94. Written notice of appeal, with the reasons therefor, shall be given, to the Moderator or Clerk of the judicatory appealed from, within ten days after the judgment has been rendered.

95. Appeals are generally to be taken from an inferior judicatory to the one immediately superior.

96. The Appellant shall file his Appeal, and the reasons for it, with the Clerk of the superior judicatory before the close of the second day of their session.

97. When a case is taken by appeal to a superior judicatory, the inferior shall not be considered a party, and its members may sit, deliberate, and vote.

98. When due notice of appeal has been given, and the Appeal and the reasons therefor have been filed in due time, the Appeal shall be considered in order. The judgment, the notice of appeal, the reasons therefor, and the Appeal, shall be read; and the judicatory may then determine, after hearing the parties, whether the Appeal shall be entertained. If it be entertained, the following order shall be observed :

(1.) The judgment appealed from shall be read.

(2.) The reasons for the Appeal shall be read.

(3.) The record in the case, from the beginning, shall be read, except what may be omitted by consent.

(4.) The parties shall be heard, the Appellant opening and closing.

(5.) Opportunity shall be given to the members of the superior judicatory to be heard.

Thereupon the Moderator shall state the question:—" Shall the Appeal be sustained? Aye, or No?" The final vote shall then be taken, by the calling of the roll, without debate; and the vote shall be recorded. If the judicatory deem it wise, a Committee may be appointed, to report a minute concerning the matter, which, when approved, shall be spread at length on the record. The judgment shall then be entered, and shall be, to confirm, or reverse in whole or in part, the judgment of the inferior judicatory, or to remand the case for a new trial. A certified copy of the minute, if one be made, and of the judgment, shall, if so desired, be given by the Clerk to each of the parties.

99. If an Appellant do not appear before the next superior judicatory, as early as the second day of its meeting next ensuing the date of his notice of appeal, or show that he was unavoidably prevented from seasonably prosecuting it, he shall be considered as having abandoned his Appeal, and the previous judgment shall stand.

100. In cases of admonition or rebuke, an Appeal suspends all further proceedings; but in all other cases the sentence shall be in force until the Appeal be decided.

101. The judicatory whose judgment is appealed from shall send up all its records relating to the matter of the Appeal; and, if any judicatory shall neglect its duty in this respect, it shall be censured according to the circumstances of the case; and the sentence appealed from shall be suspended, until a record is produced on which the issue can be fairly tried.

CHAPTER XI.

OF THE JUDICIAL COMMISSION.

102. All Appeals and References of judicial cases from the lower judicatories to the General Assembly, and all Complaints from the Synods, coming into the hands of the Stated Clerk shall, with the accompanying papers, be transferred by him to a Judicial Commission, which shall hear and determine the same, in accordance with the provisions of the Form of Government and the Book of Discipline.

103. The Commission shall consist of not more than nine Ministers and nine Elders, of whom not more than two shall be chosen from any one Synod, to be elected by the General Assembly by ballot, notice of the election being given, and nominations made, at least one day previous.

104. The General Assembly shall, in the first instance, elect not more than eighteen members, who shall divide themselves into three equal classes; of which the first class shall hold office one year; the second, two years; and the third, three years; each class to consist of an equal number of Ministers and Elders. Thereafter one third shall be elected yearly, to hold office three years, their term of office to commence on the 1st day of September next succeeding their election.

105. The Commission shall always sit at the time and place of the meeting of the General Assembly, and may meet at such other times and places as the Commission may appoint; and the necessary expenses of the members shall be paid by the General Assembly.

106. The Commission shall preserve a complete record of its proceedings and action. If it find, in the proceedings of the inferior judicatory, such error as renders it impossible to reach a just judgment, it shall remand the case for a new trial. It shall prepare, and report to the General Assembly, a formal finding of the facts, which shall be final in all cases. On this finding of facts, the Commission shall enter judgment, in accordance with the Form of Government and the Book of Discipline, which shall also be reported to the General Assembly: Provided, however, that the General Assembly, if it shall not approve the judgment, may, in its discretion, recommit to the Commission, or proceed to such final judgment as the case may require.

107. A majority of the Commission shall constitute a quorum. If a quorum be not present on the second day of the meeting of the General Assembly, the Assembly may appoint as many of their own number as may be requisite to constitute a quorum; and the members so appointed shall, during the meeting of the said Assembly, have all the power of members duly elected as aforesaid, and no longer. A majority of the Commission present shall be requisite for a decision; and in case the Commission be equally divided, the decision of the inferior judicatory shall stand affirmed.

108. The Commission shall appoint, of their own number, a Moderator and Clerk; and may adopt rules and regulations, not inconsistent with the Form of Government and the Book of Discipline.

CHAPTER XII.

OF JURISDICTION.

109. A member of a Church, receiving a certificate of dismission to another, shall still be subject to the jurisdiction of the Session of the Church giving him the certificate (but not entitled to deliberate or vote in a church meeting, or exercise the functions of any office), until he has become a member of the Church to which he is recommended; and, should he return the certificate, within a year from its date, the Session shall restore him to full membership, if no offence be charged against him, but not to any office that he may have previously held.

110. In like manner, a Minister shall be considered as subject to the jurisdiction of the Presbytery that dismissed him, but not as entitled to deliberate or vote, until he actually becomes a member of another.

111. If, however, it is alleged, that a Minister or church-member has committed an offence, during the interval between the dates of his dismission by one body, and his reception by another, which offence was not known until after such reception, the body receiving him shall have sole jurisdiction, and shall take proper action in the case.

112. A Presbytery, giving a certificate of dismission to a Minister, Licentiate, or Candidate for licensure, shall specify the particular body to which he is recommended; and, if recommended to a Presbytery, no other than the one designated, if existing, shall receive him.

113. If a Church become extinct, the Presbytery with which it was connected, shall have jurisdiction over its members, and may grant them letters to any

Church that they may indicate. It may, also, determine any case of discipline begun by the Session, and not concluded.

114. If a Presbytery become extinct, the Synod, with which it was connected, shall have jurisdiction over its members, and may transfer them to any Presbytery within its bounds. It may, also, determine any case of discipline begun by the Presbytery, and not concluded.

CHAPTER XIII.

OF THE REMOVAL OF MEMBERS, AND THE LIMITATION OF TIME.

115. When any member shall remove from one Church to another, he shall ordinarily produce a certificate, not more than one year old, of his church-membership and dismission, before he be admitted as a regular member of that Church. The names of the baptized-children of a parent, seeking a dismission to another Church, should, if they are still members of his household and not themselves communicants, be included in the certificate of dismission. The certificate is to be addressed to a particular Church, and the reception of the persons so dismissed should always be promptly communicated to the Church dismissing them.

116. If a church-member, who has been more than two years absent from the place of his ordinary residence and Church connections, should apply for a certificate of membership, his absence, and the knowledge or ignorance of the Church respecting his demeanor for that time, shall be distinctly stated in the certificate.

117. Process in a case of alleged offence shall commence, within the space of one year after it shall have been committed, unless it shall recently have become flagrant. If a church-member, however, after removing to a place distant from his former residence, and where his connection with the Church is unknown, commit an offence, the recent discovery of his church-membership shall be equivalent to the offence itself having recently become flagrant.

118. The provisions of this Chapter shall, in similar circumstances, be applicable also to Ministers.

THE DIRECTORY FOR WORSHIP.

THE FOLLOWING AMENDED FORM OF CHAPTER X. IS RECOMMENDED:

OF THE MODE OF INFLICTING AND REMOVING CENSURES.

I. The power which Christ has given the rulers of his Church is for edification, and not for destruction. When, therefore, a communicant shall have been found guilty of a fault deserving censure, the judicatory shall proceed with all tenderness, and restore their offending brother in the spirit of meekness, considering themselves, lest they also be tempted. Censure ought to be inflicted with great solemnity; that it may be the means of impressing the mind of the delinquent with a proper sense of his sin; and that, with the divine blessing, it may lead him to repentance.

II. When the judicatory has resolved to pass sentence, suspending a communicant from church privileges, the Moderator shall pronounce the sentence in the following form:

“Whereas you have been found guilty [*by your own confession, or by sufficient proof, as the case may be*] of the sin of [*here mention the particular offence*], we declare you suspended from the sacrament of the Lord's Supper, till you give satisfactory evidence of repentance.” To this shall be added such advice, admonition, or rebuke, as may be judged necessary; and the whole shall be concluded with prayer to Almighty God, that he would follow this act of discipline with his blessing. In general, such censures should be inflicted in the presence of the judicatory only; but, if the judicatory think it expedient to rebuke the offender publicly, this solemn suspension may be in the presence of the Church.

III. After a person has been thus suspended, the Minister and Elders should frequently converse with him, as well as pray for him in private, that it would please God to give him repentance. And, particularly on days preparatory to the dispensing of the Lord's Supper, the prayers of the Church should be offered up for those who have shut themselves out from this holy communion.

IV. When the judicatory shall be satisfied as to the reality of the repentance of any suspended member, he shall be allowed to profess his repentance, and be restored to fellowship, in the presence of the Session, or of the Church.

V. When a suspended person has failed to manifest repentance for his offence, and has continued in obstinate impenitence not less than a year, it may become the duty of the judicatory to excommunicate him without further trial.

The design of excommunication is to operate upon the offender as a means of reclaiming him, to deliver the Church from the scandal of his offence, and to inspire all with fear, by the example of his punishment.

VI. When any offender has been adjudged to be excommunicated, either with or without a previous suspension, it is proper that the sentence be publicly pronounced against him.

The Minister shall, therefore, at a regular meeting of the Church, give them a short narrative of the several steps which have been taken, with respect to their offending brother, informing them that it has been found necessary to excommunicate him.

He shall begin by showing (from Matt. xviii. 15, 16, 17, 18; 1 Cor. v. 1, 2, 3, 4, 5) the authority of the Church to cast out unworthy members, and shall briefly explain the nature, use, and consequences of this censure.

Then he shall pronounce the sentence in the following or like form, viz.:

“Whereas A. B. hath been, by sufficient proof, convicted of [*here insert the sin*], and after much admonition and prayer refuseth to hear the Church, and hath manifested no evidence of repentance; therefore, in the name, and by the authority, of the Lord Jesus Christ, I pronounce him to be excluded from the communion of the Church.”

After which, prayer shall be made for the conviction and reformation of the excommunicated person, and for the establishment of all true believers.

VII. When an excommunicated person shall be so affected with his state as to be brought to repentance, and to desire to be readmitted to the privileges of the Church, the Session of the Church that excommunicated him, having obtained, and placed on record, sufficient evidence of his sincere repentance and deep contrition, shall proceed to restore him, recording, in explicit terms, the grounds on which such conclusion has been reached.

The sentence of restoration shall be pronounced by the Minister, at a regular meeting of the Church on the Lord's Day, in the following words:

“Whereas A. B. has been excluded from the communion of the Church, but has now given satisfactory evidence of repentance; in the name of the Lord Jesus Christ, and by his authority, I declare him absolved from the sentence of excommunication formerly pronounced against him; and I do restore him to the communion of the Church, that he may be a partaker of all the benefits of the Lord Jesus, to his eternal salvation.”

After which he shall be commended to God in prayer.

VIII. If an excommunicated person have removed to a considerable distance, any Church, within whose bounds he may reside, may, with the consent of the Church that excommunicated him, restore him to the communion of the Church, observing the requirements of the preceding Article.

IX. Censures, other than suspension from church-privileges, or excommunication, shall be inflicted in such a mode as the judicatory may direct.

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